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SUBJECT: GERMANY: COUNTRY REPORTS ON TERRORISM

¶1. (U) Germany continues to be a strong partner in countering the global terrorist threat by participating in military operations overseas, providing leadership in multilateral settings, and fighting terrorism within its borders. German cooperation with the United States on the counterterrorism front remains solid and Germany indicates its readiness to be an even closer partner in the future. The government led by Chancellor Merkel took office in November 2005 with a pledge to improve Germany's counterterrorism legislation. During 2006 the government enacted several changes. No terrorist attacks took place in Germany in 2006, although terrorists planted suitcase bombs that failed to detonate on two German trains. German authorities also uncovered a plot to smuggle a bomb aboard an Israeli jetliner. The incidents received extensive press coverage and were pointed to by German officials as reasons for Germany to take additional counterterrorism actions.

¶2. (U) Germany is a leading contributor of troops to the International Security Assistance Force (ISAF) in Afghanistan with nearly 3000 troops deployed. The German Navy is the lead in the UNIFIL Naval Task Force patrolling the coast of Lebanon with over 1000 military personnel deployed. The German Navy also participates in Operation Enduring Freedom off the Horn of Africa with roughly 330 military personnel involved. On October 25, a German Ministry of Defense White Paper outlined that in the future, the international fight against terrorism would be a central task for the German military. Germany has resisted sending forces to Iraq, but has provided equipment and training for the Iraqi military and training for the Iraqi police in the United Arab Emirates.

¶3. (U) In 2007 Germany will assume the G8 Presidency and, in the first half of the year, the EU Presidency as well. Germany intends to use its position to build further cooperative mechanisms in international counterterrorism. As a proponent of G8 counterterrorism initiatives, Germany plans to use 2007 to advance its objective of addressing terrorists, misuse of the Internet. In the EU context, Germany has sought more EU listings of terrorists. In addition, eight EU member states have agreed to a German initiative: the May 27, 2005 "Pruem" agreement to deepen law enforcement cooperation. The agreement enables faster sharing of car registration, DNA, and fingerprint data. During its EU Presidency, Germany intends to make the Pruem text an EU-wide agreement. Germany is active as well in the Global Initiative to Combat Nuclear Terrorism and in the Egmont Group of Financial Intelligence Units.

¶4. (U) During 2006 the German government implemented legislation to strengthen its ability to fight terrorism. Federal reforms enacted in July grant the Federal Office of Criminal Investigation broader powers for terrorism investigations and for preventive arrest of would-be terrorists. On December 1, the German Bundestag approved two bills: one creates a unified terrorism database (combining information from federal and state agencies as well as from

law enforcement and security agencies); the second bill broadens and simplifies the ability of German security agencies to obtain travel, financial, and telephone data. In early 2007, German agencies plan to create an interagency center to combat terrorist misuse of the Internet.

15. (U) The June 9 - July 9 Soccer World Cup brought millions of fans from around the world to 64 matches in 12 German cities. Germany actively sought robust cooperation with law enforcement officials from neighboring and participating countries to prevent crime and terrorism. Several U.S. agencies developed new bilateral cooperative arrangements with German counterparts. The games were not marred by any terrorist attacks, but arrests of alleged terrorists in the subsequent weeks and months revealed that some arrested had deliberately avoided the World Cup period because of the perceived thoroughness of German security precautions.

16. (U) During the year, German law enforcement authorities arrested and investigated numerous individuals suspected of involvement in terrorism. At the end of 2006, German authorities were investigating nearly 200 cases of terrorism-related crimes nationwide. Prominent new actions and arrests included:

- The November 30 arrest of Algerian national Adel Mechat. French authorities had released Mechat after he served a six year prison sentence in France for having planned terrorist attacks. A French court refused to extradite him to Algeria late November, but permitted his return to Germany, which had extradited him to France in 1998. German courts refused his asylum request and are to decide early 2007 whether to extradite him to Algeria.

- The November 17 raids and detention of six individuals who in the summer of 2006 tried to bribe another person to smuggle a bomb aboard an Israeli aircraft. German authorities indicated the plot had been at an early stage; they released all individuals later in the day except for one who was wanted on another charge.

- The October 10 arrest of an Iraqi for posting al-Qaida and other terrorist messages on the Internet.

- The August 19 and 25 arrests of a Lebanese and a Syrian connected with the July 31 planting of two suitcase bombs aboard German regional trains in Dortmund and Koblenz. German prosecutors ordered the release of the Syrian on September 14 due to lack of evidence. German authorities worked closely with their Lebanese counterparts, who arrested another individual implicated in the plot.

- The July 6 arrest of a German citizen of Moroccan heritage charged with recruiting jihadist fighters for battle in Iraq as well as for fundraising and logistical support for al-Qaida.

- The June 12 arrest of an Iraqi charged with providing financial and logistical support for Ansar al-Islam.

17. (U) Additional arrests during 2006 resulted in German prosecutors charging several with leadership of and fundraising for the Kurdistan Workers, Party (PKK) and the Revolutionary People's Liberation Party/Front (DHKP-C).

18. (U) During 2006 German courts began trials and/or reached verdicts in some notable counterterrorism cases. As in previous years, German laws and traditional procedures, as well as the courts, long-standing and expansive view of civil liberties, sometimes limited the success of cases prosecutors brought to trial:

- On November 16, ruling on an appeal, the Federal High Court convicted Moroccan citizen and 9/11 Hamburg cell member Mounir el Motassadeq of both membership in a terrorist organization and of 246 counts of accessory to murder (246 represents the number aboard the hijacked airliners of 9/11). German courts convicted Motassadeq in 2003 of membership in

a terrorist organization and accessory to 3,000 murders, but the Federal High Court subsequently ordered a retrial in 2004 due to the perceived lack of access to potentially exculpatory testimony from individuals -- such as Khaled Sheik Mohammed -- whom the court presumed to be in U.S. custody. In August 2005, a Hamburg court convicted him on the charge of membership in a terrorist organization, but not on the accessory to murder charge. The court sentenced him to seven years in jail. As is possible in Germany, both the prosecution and the defense appealed. On February 6, 2006 the court released Motassadeq from custody pending the outcome of the appeal. However, police re-arrested Motassadeq on November 17, 2006 -- the day after the Federal High Court's guilty verdict. Motassadeq returns to the Hamburg court in January 2007 for sentencing on the accessory charge; he also intends to appeal the guilty verdict.

- On July 14, German prosecutors closed their investigation of Syrian-German dual national Mamoun Darkazanli. In October 2004, German authorities arrested for him for extradition to Spain, where a 2003 arrest warrant accuses him of membership in al-Qaida and providing it logistical and financial support. German authorities hoped to extradite him using the new EU arrest warrant, which enabled Germany to extradite its own citizens. In July 2005, however, the German Constitutional Court voided the German law implementing the EU arrest warrant, criticized its lack of protections for German nationals, and ordered Darkazanli released. The Justice Ministry redrafted the law taking the court's concerns into account; the new law went into effect August 2. German authorities have not arrested Darkazanli for extradition under the new German law.

- On June 20, a Stuttgart court began the trial of three Iraqi alleged members of Ansar al-Islam: Ata Abdoulaziz Rashid, Rafik Mohamad Yousef, and Mazen al-Hussein. German prosecutors have charged the three, who have been in detention since December 2004, with a plot to assassinate former Iraqi Prime Minister Allawi during his visit to Berlin that month. Prosecutors also charged them with financial crimes, and membership in, financing, and recruiting for a foreign terrorist organization. The court is to reach a verdict in early 2007.

- On May 9, a Dsseldorf court began the trial of one Iraqi (Ibrahim Mohamed Khalil) and two Palestinian defendants (brothers Yasser Abu Shaweesh and Ismail Abu Shaweesh) accused of membership in and/or support of Ansar al-Islam, insurance fraud, and attempted procurement of enriched uranium for a "dirty bomb." The three have been in German custody since their arrests in January and May 2005. The court is to reach a verdict in early 2007.

- On January 12, a Bavarian court convicted Iraqi citizen Lokman Amin Mohammed of membership in Alsar al-Islam and Ansar al-Sunna, providing them financial and logistical support, and smuggling jihadist fighters into Iraq. He was sentenced to seven years in jail.

¶9. (U) The German Interior Ministry uses its authority under the Law on Associations to ban organizations that it believes are connected to terrorism. Germany has banned a number of such organizations in recent years, including the DHKP-C, Dev Sol, Hizb-ut Tahrir, the PKK, and organizations connected with Hamas. On January 25, a German court rejected an appeal of the ban against Hizt-ut Tahrir.

¶10. (U) Germany participates in several Department of Homeland Security programs to combat terrorism, including the Container Security Initiative in the ports of Hamburg and Bremerhaven. The Transportation Security Administration's presence in Frankfurt, together with U.S. and German air marshals, formed key parts of bilateral efforts to provide air transport security for the six German airports with flights to the United States.

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